

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Monday, August 21, 2006 at Westfield Town Hall. Members present included Patrick Miller, David Mueller, Brian Morales, Cindy Spoljaric, and Craig Wood. Also present was Tom Higgins.

Miller stated there was an error on page two of the July 17, 2006 minutes.

Mueller pointed out his absence at the July 17, 2006 meeting; therefore, his name needed to be removed from the minutes.

Miller moved to approve the July 17, 2006 minutes as amended.

Wood seconded, and the motion passed by voice vote.

Miller reviewed the Public Hearing Rules and Procedures.

### **OLD BUSINESS**

**0607-VS-045:** 16501 Joliet Road: Mr. and Mrs. James and Shelly Brown: The Appellants are requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.04.100. (2) (B) (ii) to allow for the construction of an accessory building before the primary structure.

**0607-VS-046:** 16501 Joliet Road: Mr. and Mrs. James and Shelly Brown: The Appellants are requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.04.100. (2) (B) (vii) to allow for the construction of an accessory building that is not subordinate to the primary structure.

**0607-VS-047:** 16501 Joliet Road: Mr. and Mrs. James and Shelly Brown: The Appellants are requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.04.100. (2) (B) (vi) to allow for the construction of an accessory building that is not of similar materials as the primary structure.

**0607-VS-048:** 16501 Joliet Road: Mr. and Mrs. James and Shelly Brown: The Appellants are requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.04.100. (2) (d) to allow for the construction of an accessory building that will be greater than eighteen feet.

**0607-VS-049:** 16501 Joliet Road: Mr. and Mrs. James and Shelly Brown: The Appellants are requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.04.100. (2) (C) to allow for the construction of an accessory building in the front yard.

Ms. Shelly Brown introduced her husband, Jim, and presented the details of the variance requests.

Miller asked if Brown was aware of the staff's recommended condition that construction of the residential structure would commence within twelve months after the building permit is issued for the barn.

Brown was not aware of the twelve month time period and asked if that could be extended to eighteen months.

Miller asked Brown to describe the construction materials.

Brown responded one and a half to two stories with steel siding and concrete floors, finished off workshop, storage, steel roof and lots of windows.

Wood asked if there would be any commercial use.

Brown responded no, structure was only for personal use.

Spoljaric asked about the building materials for the house.

Brown responded brick, stone, and maybe some hardiplank siding.

A Public Hearing opened at 7:10 p.m.

No one spoke, and the Public Hearing closed at 7:11 p.m.

Wood moved to approve 0607-VS-045, 0607-VS-046, 0607-VS-047, 0607-VS-048, and 0607-VS-049 with the following conditions:

0607-VS-045:

- Construction of the residential structure will commence within twelve (12) months after the accessory building permit is issued.

0607-VS-047:

- No development of any commercial ventures on site.

0607-VS-048:

- The Appellants will define the height of the Accessory Building they intend to construct.

On 048, delineated at less than 28 feet.

NOTE: Tom: Please fix wording on this condition.

0607-VS-049:

- There will be no residential accommodations within the structure: and
- There will be no commercial activities occurring within the accessory building.

Miller seconded, and the motion passed unanimously.

Miller moved to adopt staff's findings of fact for 0607-VS-045, 0607-VS-046, 0607-VS-047, 0607-VS-048, and 0607-VS-049.

Wood seconded, and the motion passed by voice vote.

**0607-SE-001:** 4909 Sheridan Road: Cingular Wireless PCS: The Appellants are requesting a Special Exception from the Westfield Washington Ordinance WC 16.04.030 (B) (2) to allow for the construction of a communication tower in an AG-SF 1.

Mr. Jim Budenbaum requested a continuance of 0607-SE-001 to the September 18, BZA meeting with no re-notice since staff has recommended an alternative site for this project and this is still being worked on.

After discussion it was decided to continue this item until the October 16, 2006 BZA meeting; however, if an additional continuance is requested, there would be a re-notice.

### **NEW BUSINESS**

**0607-VS-053:** 4182 Pete Dye Blvd: Thomas Hughes: Estridge Corp: The Appellants are requesting a Variance of Standard from the Westfield Washington Ordinance Bridgewater PUD Exhibit 12 to allow for the construction of a residential unit that encroaches two feet six inches (2'6") in to the front yard setback.

Mr. Bryan Stumpf introduced Mr. Don Curise, Throgmartin Henke, and presented the details of the variance request and stated the staff's condition has been met.

Spoljaric asked if this interfered with any utilities.

Curise responded no.

A Public Hearing opened at 7:26 p.m.

No one spoke, and the Public Hearing closed at 7:27 p.m.

Spoljaric moved to approve 0607-VS-053 without the staff's condition to pay the \$1,500 fine since the fine has already been paid.

**TOM:** Is this wording on the motion okay?

Mueller seconded, and the motion passed unanimously.

Miller moved to adopt the staff's findings of fact.

Mueller seconded, and the motion passed by voice vote.

**0607-VS-054:** 19490 Lamong Road: Lewis and Anna Shoaf: The Appellants are requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.04.030 (2) (b) (1) to allow for the addition of the residential structure that would reduce the side yard setback to twenty four (24') from the required thirty (30') feet.

**0607-VS-055:** 19490 Lamong Road: Lewis and Anna Shoaf: The Appellants are requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.04.030 (B) (5) (a) to allow for the reduction of the road frontage requirement of two hundred and fifty (250') feet to one hundred and thirty two (132') feet.

Mr. Dan Shoaf presented the details of the variance requests stating the need to make changes to the house as well as making it handicap accessible in order to assist in caring for his parents.

Spoljaric asked about the materials.

Shoaf responded they will match the current structure.

A Public Hearing opened at 7:32 p.m.

No one spoke, and the Public Hearing closed at 7:33 p.m.

Mueller moved to approve 0607-VS-054 and 0607-VS-055 as presented.

Spoljaric seconded, and the motion passed unanimously.

Miller moved to adopt the staff's findings of fact.

Mueller seconded, and the motion passed by voice vote.

**0607-VS-056:** 16404 Oak Road: Mr. and Mrs. Wilbur and Janet Tyner: The Appellants are requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.04.100. (2) (B) (vii) to allow for the construction of an accessory building that is not subordinate to the primary structure.

Mr. Wilbur Tyner presented the details of the variance request stating the building materials will match existing buildings.

Mueller stated the variance would follow future owners of the property and asked if a condition could be added that there would be no residency in the accessory building.

Tyner agreed.

A Public Hearing opened at 7:38 p.m.

No one spoke, and the Public Hearing opened at 7:39 p.m.

Wood moved to approve 0607-VS-056 with the following condition:

1. That there will be no further accessory building constructed without the demolition of one of the existing.
2. That the accessory building will not be used as a residence.

Miller seconded, and the motion passed unanimously.

Miller moved to adopt the staff's finding of fact.

Wood seconded, and the motion passed by voice vote.

The meeting adjourned at 7:40 p.m.

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Chairman

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Secretary